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FOR

*Extending the Navigation of the  
River Calder to, or near to,  
Sowerby Bridge, in the Parish  
of Halifax: And for making na-  
vigable the River Hebble, Halig,  
or Halifax Brook, from Brookf-  
mouth to Salter Hebble Bridge,  
in the County of York.*



L O N D O N :

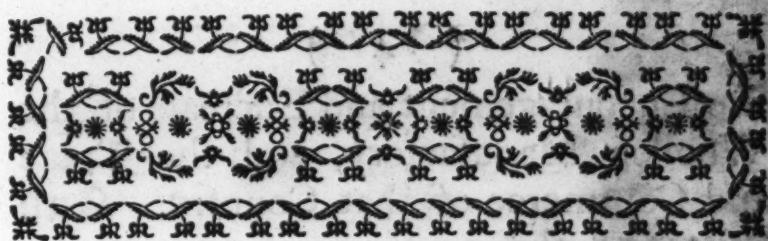
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*I Hebdin  
Great Britain  
George II*

*10347 de 37*







*An A C T for Extending the  
Navigation of the River Calder  
to, or near to, Sowerby Bridge,  
in the Parish of Halifax: And  
for making navigable the River  
Hebble, Halig, or Halifax Brook,  
from Brooksmouth to Salter Heb-  
ble Bridge, in the County of York.*

**H E R E A S** the Rivers Preamble.  
*Aire* and *Calder* in the  
**W** County of *York*, were, by  
virtue and in pursuance of  
an Act of Parliament passed  
in the Tenth and Eleventh Years of  
the Reign of his late Majesty King *Wil-*  
*liam* the Third, made navigable for Boats,  
Barges, Lighters, and other Vessels from  
*Weeland*, upon the River *Aire*, to the  
Towns of *Leeds* and *Wakefield* respec-  
tively, which has tended manifestly to

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the Encouragement and Encrease of the Woollen Manufactory, and the Trade and Commerce of that Country. **And whereas** the continuing and carrying on a Navigation up the River *Calder* to *Brooksmouth*; and from thence up the River called *Hebble*, *Halig*, or *Halifax* Brook, to *Salter Hebble* Bridge; and from *Brooksmouth*, or from the River *Hebble* aforesaid to or near *Sowerby* Bridge, in the Parish of *Halifax* in the said County of *York*, will be of general Utility:

*Wherefore, May it please your Most*  
EXCELLENT MAJESTY,

Trustees  
Names;

**That it may be Enacted, and be it Enacted,** by the KING's Most EXCELLENT MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled; and by the Authority of the same, That the Right Honourable *James Smith Stanley*, commonly called Lord *Strange*; the Right Honourable Lord Viscount *Downe* in the Kingdom of *Ireland*; the Right Honourable Lord Viscount *Galloway* in the Kingdom of *Ireland*; the Right Honourable *John Lord Pollington* in the  
king-

Kingdom of Ireland; the Right Honourable *Thomas Hay*, commonly called Lord *Dupplin*; the Honourable *George Carey*, ~~the Honourable and~~ Reverend *John Stanley*, Rector of *Bury*; Sir *George Savile*, Sir *Rowland Wynn*, Sir *Walter Blackett*, Sir *John Armitage*, Sir *William Lowther*, Sir *William Wentworth*, Sir *John Ramsden*, Sir *John Lister Kaye*, Sir *Lionel Pilkington*, Sir *William Meredith*, the Reverend Sir *John Moseley*, Sir *Ralph Asheton*, Sir *Henry Ibbetson*, Sir *George Dalston*, Sir *George Strickland*, Sir *William Milner*, Sir *Brian Cooke*, Sir *Charles Sheffield*, Sir *John Ingleby*, Sir *Henry Slingsby*, Baronets; Sir *Ellis Cunliffe*, Knight; *Peter Bold*, *Francis Reynolds*, *Edward Marton*, *Nicholas Fazakerley*, *Edmund Starkey*, *Charles Pole*, *Peter Legh*, *Randle Wilbraham*, the Honourable *Richard Barry*, *Thomas Lister*, *Asheton Curzon*, *Samuel Egerton*, *James Winstanley*, *Richard Acklom*, *Robert Allenson*, *Henry Athorpe*, *John Arthington*, *Robert Arthington*, *James Aspenal*, *John Aldcroft*, *Jonathan Acklom*, *George Armitage*, *John Ashton*, *Samuel Acton*, *Joseph Alexander*, *Joseph Allen*, *Robert Ayrton*, *Richard Allen*, *James Ambler*, *Thomas Arrowsmith*, *Roger Allen*, *Henry Atkinson*,



John Atkinson, John Armitage, George  
 Armitage, Samuel Armitage, James Al-  
 lott, Bryan Allott Clerk, Thomas Ar-  
 thington, Charles Allanson, John Baldwin,  
 William Baldwin, Benjamin Bartlett, Pe-  
 ter Birt, Joseph Bright, Richard Burton,  
 John Bradshaw, James Bayley, Edmund  
 Barker, Edmund Barker, Junior, Bar-  
 nard Bishcoff, Thomas Barstow, Roger  
 Brandwood, John Bamford, Samuel Brooke,  
 John Brooke, John Brocke, Joseph Bilton,  
 Hans Busk, Thomas Buckley, Joseph Ba-  
 ker, Thomas Battersbee, Gabriel Brooke,  
 George Bell, Francis Blaydes, John  
 Blaydes, James Burnell, Thomas Birch,  
 Joseph Birch, Ashton Blackburn, Robert  
 Benson, William Blackburne, William  
 Bowes, Esq; John Clavering, Miles  
 Bower, Benjamin Bower, Richard Broome,  
 John Broome, Edward Burron, Edward  
 Byrom, Christopher Byron, Timothy Battie,  
 Richard Beaumont, Samuel Burroughs,  
 Musgrave Brisco, William Bamford, Da-  
 niel Bayley, Robert Booth, Ralph Brown,  
 John Buckley, Ralph Banks, Richard  
 Barton, Samuel Bayley, Josiah Birch,  
 Robert Birch, Thomas Boardman, Samuel  
 Bower, John Bower, William Beckwith,  
 William Broome, John Bullock, William  
 Burron, Edward Byrom the Younger,  
 Richard

*Richard Barlow, Thomas Barlow, Peter Baron, Robert Booth, Samuel Baron, Roger Booth, James Barlow, Godfrey Bosville, William Beaumont, William Brookes, Thomas Beaumont, James Burnell, Arthur Burton, Richard Buxton, William Beatson, Jeremiah Barstow, William Beatson of Holingthorpe, John Caygill, Richard Cooke, Anthony Cooke, Nathanael Cholmley, Edward Chetham, Thomas Chadwick, John Clough, Thomas Clowes, Edward Coke, James Clegg, John Clough, John Cookson, Thomas Cookson, William Clowes, Otho Cooke, Isaac Crewdson, Nicholas Coulthurst, Matthew Coulthurst, Job Staunton Charlton, Benjamin Cooke, James Cooke, Thomas Cotton, Henry Cunliffe, John Chadwick, Samuel Clowes, Joseph Clowes, Joseph Champion, James Clough, John Clowes, Samuel Clowes the Younger, John Cooke, Thomas Crompton, John Cockshut, Richard Cotton, George Cotton, John Cookson, Doctor of Physick, William Crowle, John Dearden, George Dunstan, John Dyson, Simon Dearden, James Dawson, William Dawson, John Dickenson, John Diggles, Jeremiah Dixon, Samuel Davenport, John Dawson, Samuel Dyson, Thomas Diggles, James Dearden, Charles Downs, Clerk, Henry Dickanson, John Dickenson the Younger, Robert*  
*A 4 Denison,*

Denison, Thomas Denison, William De-  
 nison, William Danby, Edward Elmsfall,  
 Robert Entwistle, James Edge, Samuel  
 Edgley, Anthony Eyre, Robert Entwistle  
 the Younger, William Edge, William  
 Ethelstone, Vincent Eyre, John Finch,  
 Esq; James Farrer, Abraham Frith,  
 Joshua Fielden, Jonathan Fildes, Thomas  
 Ferrand, John Fletcher, Charles Ford,  
 James Fletcher, Benjamin Ferrand, Abra-  
 ham Fielden, John Fielden, Freeman Flow-  
 er, John Forth, Abraham Fletcher, Hen-  
 ry Fielden, Litchford Flitcroft, William  
 Fowden, John Fox, Edward Fenton,  
 Thomas Fenton, James Fenton, William  
 Fenton, William Greame, John Greenwood,  
 Ambrose Greenwood, Edward Greaves,  
 Benjamin Gaskel, John Gatcliffe, Robert  
 Gartside, John Gorton, James Greatrix,  
 James Gream, Richard Gore, William  
 Greenwood, Daniel Gaskel, Edward Greg,  
 John Gatley, Thomas Gardner, Edward  
 Goddard, James Gorton, John Greaves,  
 James Green, Harpum Green, Richard  
 Greene, Thomas Gill, Edward Gower,  
 John Haigh, Stanhope Harvey, John Hel-  
 liwell, Richard Hey, Samuel Harper,  
 Clerk, William Hird, Samuel Hill, Hen-  
 ry Hitch, William Horton, John Hustler,  
 William Horton, John Hamer, Richard  
 Hill,



Hill, Robert Holt, John Hutchinson, Joseph Haigh, Clerk, William Holt, Thomas Holme, John Hargreaves of New Church, John Hadfield, Richard Hall, Anthony Hall, James Hall, Robert Hamilton, James Hardman, Jeffrey Hart, John Harrison, John Heywood, Robert Hibbert the Younger, William Haigh, Walter Hawksworth, John Hewett, Richard Hill, Nathanael Holden, Joshua Horton, Abraham Haworth, Hallows Hamer, Samuel Hill, Thomas Holt, Francis Holt, Thomas Hutchinson, Joseph Holden, Edmund Holme, Clerk, Edmund Holme the Younger, John Halliwell, John Howorth, John Hague, Edward Hall, James Hamer, William Hampson, John Hardman of Manchester, William Heginbotham, Robert Hibbert, James Hilton, James Hodson, Richard Holme, Robert Hyde, Robert Higginson, Thomas Hutchinson, Edward Holme, Robert Holt the Younger, Samuel Haworth, John Hutchinson, Robert Harper, Samuel Harper, John Hawkesworth, Charles Ingram, Thomas Johnson, George Johnson, Cyril Jackson, Avery Jebb, William Johnson, William Ingram, Walter Jodrell, Alan Johnson, Richard Kaye, Ralph Knight, John Kay, George Kenyon, Marsden Kenyon, Thomas Kay, Thomas

*Thomas Kirkham, William Kirk, Samuel  
 Kay, Doctor of Physick, Robert Kay,  
 John Kenworthy, Edward Kenyon, Ralph  
 Kirkall, Ralph Kirshaw, Samuel Kir-  
 shaw, Clerk, George Fox Lane, Wil-  
 liam Lamplugh, Clerk, George Legh,  
 Doctor of Laws, John Lister, Clerk,  
 Samuel Lister, George Lloyd, Henry  
 Lonsdale, John Lord of Broad Clough,  
 Edward Leeds, Samuel Lister, Japhet Lis-  
 ter, John Lister, Miles Lonsdall, Thomas  
 Lee, George Lumley, Thomas Lodge, Ed-  
 mund Lodge, James Lancashire, Edmund  
 Lord of Greave, Edmund Lord of Roch-  
 dall, John Leech, John Lea, John Lees, Sa-  
 muel Lees, Robert Livesay, Henry Lons-  
 dall, William Lawson, Laurence Lord,  
 John Lord, George Law, John Lee,  
 James Liptrot, Thomas Locker, John Lan-  
 cashire, Robert Lane, William Lowther,  
 Clerk, Edwin Lascelles, Daniel Lascelles,  
 Henry Lascelles, Timothy Lee Doctor in  
 Divinity, John Lister, of Bawtry, John  
 Masson, James Maud, William Mellish  
 Robert Milnes, Pemberton Milnes, Peter  
 Mainwaring Doctor of Physick, Thomas  
 Marriott, James Mills, Joshua Marriott,  
 Edward Markland, James Marsden, Sa-  
 muel Meller, John Moss, John Murga-  
 troyd, Darcy Molyneaux, Richard Mickle-  
 thwait,*

*tbwait, Richard Markham, George Mason,  
 Daniel Maud, Charles Milner, Francis  
 Milner, Joseph Milner, Lancelot Meyers,  
 Thomas Morley, Charles Mellish, John  
 Milnes, Bacon Morrit, John Marriott,  
 Robert Mills, John Mills, John Mark-  
 land, Wyant Marriott, James Massey,  
 James Mellor, James Magnal, Thomas  
 Medhurst, Thomas Maude, William Maud,  
 William Marsden, Thomas Marsden, Wil-  
 liam Marsden the Younger, John Mei-  
 kletbwait, John Milnes, James Milnes,  
 Jonathan Nicholl, Thomas Nuttall, Ro-  
 bert Nuttall, George Nelson, Josiah Ni-  
 cholls, Richard Nangreave, John Nut-  
 tall, Posthumus Nixon, Anthony Noguier,  
 Laurence Newall, Charles Newdigate,  
 Richard Nicholls, James Nelthorpe, Flet-  
 cher Norton, Francis Norton, Robert Ord  
 Lord Chief Baron of Scotland, William  
 Osbaldeston, Abel Oldham, John Ormerod,  
 William Ormerod, John Ord, George  
 Oates, Josiah Oates, Samuel Oates, George  
 Osbaldeston, James Oldham, Aaron Orme,  
 Laurence Ormerod, Joseph Ormerod, The-  
 ophilus Ogden the Younger, George Or-  
 merod, Thomas Percival, Harrison Pil-  
 kington, William Prescott, Henry Pawson,  
 William Priestly, George Perrot, Wil-  
 liam Preston, John Priestley, John  
 Parker,*



*Parker, Samuel Powell, Jonathan Patten,  
 Richard Pattison, Nathanael Philips,  
 Thomas Parker, John Pilkington, John  
 Pointon, John Prescott, Thomas Per-  
 cival, Thomas Pigot, Thomas Parrot,  
 Jonathan Patten the Younger, Thomas  
 Phillips, William Plant, Michael Pil-  
 kington, Metcalfe Proctor, Thomas Pul-  
 leyn, Edward Prince, William Radcliffe,  
 Ingram Ryder, Abraham Radcliffe, Robert  
 Ramsden, Jeremiah Rawson, Richard Ri-  
 chardson, John Roebuck, William Rooks,  
 John Royds, Charles Radcliffe, John  
 Ramsden, John Ramsden, Christopher Raw-  
 son, William Westbrooke Richardson, Je-  
 remiah Royds, Richard Royds, Robert  
 Royds, William Royds, Samuel Ridings,  
 Nathan Rosbotham, John Rigby the Youn-  
 ger, John Robinson, Robert Robinson,  
 James Rothwell, John Royds, Peter Ras-  
 bottom, Dorning Rasbotham, John Rigby,  
 Josiah Roberts, Samuel Robinson, Thomas  
 Reynolds, Robert Reyner, John Ridsdale,  
 Samuel Sanford Clerk, John Sylvester  
 Smith, William Southern, Robert Stans-  
 field, Valentine Stead, Thomas Stead, James  
 Starky, George Stansfeld, John Smith,  
 John Scholefield, Joseph Smallwood, James  
 Stringfellow, Roger Sedgwick the Youn-  
 ger, George Scholes, Richard Scholes, Jo-  
 nathan*

*nathan Staniforth, Esquire, William Star-  
 ky, Thomas Stott, John Smith, Thomas  
 Smith Clerk, John Stanhope, David  
 Stansfeld, Valentine Stead the Younger,  
 Henry Scott, Robert Smithson, John Shep-  
 ley, John Scatchard, Walter Stanhope,  
 John Starky, Joseph Starky, Thomas Stead,  
 Walter Stanhope of Leeds, John Suttell,  
 Richard Stephenson, Isaac Smith, Nicholas  
 Shuttleworth, Edmund Smith, Roger Sedg-  
 wick, Samuel Scholes, Robert Scholes, Tho-  
 mas Scholes, Edward Smalley, John Stott of  
 Manchester, John Stott, Samuel Shore, Sa-  
 muel Shore the Younger, William Stam-  
 forth, John Smith of Heath, John Silvester  
 Smith, Joseph Steer, Sidney Swinney Clerk,  
 John Stanhope, Peter Simon Clerk, Tho-  
 mas Strother, William Serjeantson, Tho-  
 mas Thornhill, Thomas Clerk, Charles  
 Turner, John Touchet, Robert Taylor, Sa-  
 muel Taylor, Samuel Taylor the Younger,  
 Richard Townley the Younger, the Reve-  
 rend Samuel Townson Clerk, Richard Tay-  
 lor, John Taylor of Manchester, Samuel  
 Taylor of Moston, John Taylor of Crump-  
 sal, Thomas Tipping, Nicholas Torr, Wil-  
 liam Topham, Christopher Topham, William  
 Tottie, Peter Touchet, John Taylor of  
 Smetburst, William Thompson, William Tur-  
 ner, William Turner, Thomas Touchet, John  
 Taylor,*

*Taylor, James Taylor, Richard Townley, Humphrey Trafford, Charles Turner, Ralph Taylor, the Reverend Dr. Tunstall Vicar of Rochdale, Samuel Taylor, Joshua Taylor, Robert Tbyer, Thomas Tipping the Younger, Samuel Touchet, John Townsend, Abraham Taylor, William Todd, John Upton, Allen Vigor, John Vavasour, Walter Wade, John Walker, Thomas Wentworth, Peregrine Wentworth, John White, Richard Wilson the Younger, John Woolmer, Wrighte, John Wood, George Walmsley, the Rev. Abel Ward Archdeacon of Chester, James Walker, Edward Walker, William Walker, Michael Walton, Woodyear, Esquire, Wadsworth, Esquire, Thomas White, Charles White, James Winterbottom, Peter Worsley, William Walker, John Waterhouse, Godfrey Wentworth, James Wetherberd, Taylor White, Thomas Wilson, William Wrightson, John Whitworth, John Walmsley, John Whiteley, Richard Wilson, Thowolrich, John Wilks, Thomas Whitaker, Henry Wrigley Clerk, James Walker Doctor of Physick, Woodfield Beckwith, Peter Walker, Thomas Walker, James Walmsley, Michael Walton the Younger, John Wilson, Richard Wordsworth, Colonel E. Wynn, Rowland Wynn, John Wade,*



*Wade, Edward Wortley, Edward Wortley  
 the Younger, Francis Wood, William  
 Wood, William Wrightson, Benjamin  
 Wilson Clerk, Thomas Wilson Clerk,  
 James Wilkinson Clerk, Andrew Wil-  
 kinson, Henry Wickham Clerk, Field  
 Silvester Wadsworth, William Watson,  
 John Yorke, Henry Zouch Clerk, Elkanah  
 Hoyle, Richard Royds, John Haworth,  
 Josiah Hotbam, John Watson, John Rad-  
 cliffe, Jeremiah Holroide, John Green-  
 wood, Daniel Dyson, William Sutcliffe,  
 John Kenworthy, William Alexander,  
 Richard Thomas, Israel Wilde, Jeremiah  
 Riley, John Ramsden, John Tillotson, Jo-  
 shua Tillotson, John Butterworth, Luke  
 Green-wood, William Moore the Youn-  
 ger, Nathanael Moore, John Moore, Ro-  
 bert Parker, Esquire, Richard Hop-  
 wood, John Wood, Richard Townley, Es-  
 quire, Elkanah Holroide, Joseph Wells,  
 John Walker, James Greenroyd, William  
 Rawson, James Ryley, John Sutcliffe,  
 James Gibson, Henry Greenwood, Henry  
 Cockeroft, William Cockeroft, William  
 Cockeroft, Stephen Atkinson, Joseph Far-  
 rer, James Walton, John Marten, Tho-  
 mas Marten, Thomas Milne, Richard  
 Towne, Michael Wainhouse, Japhet Lister,  
 Jeremiah Rawson, Esquire, Thomas Hirst  
 Esquire,*

Esquire, Thomas Murgatroyd, Richard Taylor, George Ryley, John Wheelwright, Joseph Wilkinson, Henry Dyson, John Dyson, John Wells, John Sutcliffe, Henry Horsefield, Samuel Barnes, John Sutcliffe, Thomas Oldfield, Timothy Oldfield, Isaac Farrer, Thomas Oldfield the Younger, the Honourable Christopher Dawnay, the Honourable John Dawnay, Abraham Balme, Thomas Busfield, William Banks, Miles Barne, Charles Booth, Clerk, Stephen Croft, William Cockcroft, John Fell, Ayscough Fawkes, Richard Farrer, John Field, Sellwood Hewett, Richard Hey, Thomas Hirst, Josiah Morley, Robert Parker, William Parker, Edward Parker, Spencer of Cannon Hall, James Stoven, George Thornhill, Patientius Ward, Jeremiah Batley, John Batley the Younger, Joseph Hullme Doctor of Physick, Nathanael Holden, Richard Holden, John Holden, Christopher Wetherberd, John Whitaker, James Wigglesworth, Edward Salisbury, Thomas Salisbury, Emor Rishton, John Hammerton, Edward Foxcroft, William Guy, Peter Wilson Overend, James Farrer, Francis Lister, William Birkbeck, John Birkbeck, William Hall, Thomas Hall, Matthew Wilson, Matthew Wilson the Younger,

Younger, John Mason, Hugh Tillotson, James Morley, John Alcock, Henry Alcock, Thomas Wilkinson, Richard Heber, Danson Rowndall, Robert Parker, Thomas Fenwicke, Thomas Chamberlain, Luke Hoyle, John Kirshaw, John Kighley, Jonathan Priestly, John Bramley, Joseph Bramley, Jonathan Laycock, Joshua Laycock, John Simpson the Younger, William Wood, Thomas Lees, John Holt, Thomas Holt, John Holt, John Greame, Samuel Waterhouse, John Watson, John Alexander, and their Successors, shall be, and are hereby appointed Commissioners for continuing the said Navigation, from the most proper Part of a Piece of Ground called *Fall-Ing*, near *Wakefield*, up to a Place called *Brooksmouth* in the Townships of *Skircoat* and *Southowram*, where the said River called *Hebble*, *Halig*, or *Halifax* Brook, falls into the *Calder*, and from thence up the said River to *Salter Hebble* Bridge, near the Town of *Halifax*: And for carrying on, and continuing the said Navigation from *Brooksmouth* aforesaid, up the said River *Calder* to *Sowerby* Bridge, in the Parish of *Halifax* aforesaid, or within Five hundred Yards of the said Bridge. And the said Persons so appointed Commissioners, or such Per-

and their  
Power.



son or Persons as they or any Nine or more of them shall, by Writing or Writings under their Hands and Seals, nominate or appoint their Agents, Officers, Workmen, and Servants, shall be, and are hereby impowered and authorized to make and keep navigable and passable for Barges, Boats, Lighters, and other Vessels, the said Rivers, and for that Purpose to cleanse, scour, open, deepen, enlarge, or straiten the same, and any other Streams, Brooks, or Watercourses which do come or may be brought into or made to communicate therewith; and to dig, cut, or raise the Banks of the said Rivers, and of any other the Streams, Brooks, or Watercourses aforesaid, for bringing Water into the said Rivers, or either of them, and to make such new Cuts, Canals, Trenches or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near unto the same Rivers, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as they the said Commissioners, or any Nine or more of them shall think proper for effecting the Purposes of this Act, be it the Ground or Soil of the King's most Excellent Majesty, his Heirs and Successors,

fors, or of any other Person or Persons, Bodies politic or corporate whatsoever; and also to dig up, cut, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the said intended Navigation, either in Sailing, Haling, or Towing of Boats, Barges, Lighters, or Vessels, with Men, Horses, or otherwise; and also to build, erect, set up, and make, over or in the said Rivers, Brooks, Streams, Cuts, Canals, Trenches and Watercourses aforementioned, or upon the Lands adjoining or near to the same or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, Quays, Winches, and other Engines, Posts and Stoops, Landing Places, Weighing Beams, Warehouses, for the Purposes of making and preserving of the Navigation only, and other Works and Conveniencies as and where the said Commissioners or any Nine or more of them shall think fit; and from time to time, as often as shall be proper and convenient, to alter, repair, encrease, enlarge and amend the same. And also to make, amend, widen, turn, alter,

or enlarge any Ways, Passages, or other Conveniencies for the carrying and conveying of Goods, Commodities, or other Things to or from the said Rivers, Brooks, Streams, Cuts, Canals, Trenches and Watercourses herein before-mentioned. And also to carry and convey, in, over, and upon any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finishing the said Works and Navigation ; and for altering, repairing, and maintaining the same. And also to lay, work, and manufacture the said Materials on the Ground near to the Place or Places where the said Works, or any of them, shall, or are intended to be made, erected, or done : And also to amend, alter, or heighten, any Bridge or Bridges, Cuts and Watercourses, as may any ways hinder or obstruct the said intended Navigation : And also to get, dig, take, and carry away, Soil, Clay, Gravel or Stone, and other Materials proper, requisite and convenient for making, carrying on, altering, and continuing the said Works and Undertakings in, or from any Ground of any Person or Persons adjoining, or lying contiguous to the said Rivers, Brooks, Streams, Cuts  
or



or Watercourses, not being the Ground whereon any House stands, or an Orchard, Paddock, planted Walk, or Avenue to a House. And also to make, set out, appoint, fence off, maintain and keep, Towing Paths, Banks and Ways, convenient for towing and drawing with Men, Horses, or otherwise, of Boats, Barges, Lighters, and other Vessels, passing in, through, and upon the said Rivers, Cuts and Canals, hereby intended to be made navigable; as the said Commissioners, or any Nine or more of them shall think convenient. And also to make and erect any Dam or Dams, Reservoir or Reservoirs, at or near *Salter Hebble* Bridge aforesaid, or any other Part of the said River or Brook running under the same, in order to facilitate and supply the said intended Navigation from time to time, as there shall be Occasion or Necessity: And also from time to time to repair, preserve, and maintain such Dam or Dams, Reservoir or Reservoirs; and also to do and perform all other Works, Matters and Things which the said Commissioners, or any Nine or more of them shall judge necessary or proper for carrying on, completing, and maintaining the said intend-

ed Navigation, and for executing the Purposes of this Act; they, the said Commissioners doing as little Damage as may be to and upon the Premisses; and first giving Satisfaction to the Owners and Occupiers of, and Persons interested in, any Mills, Wears, Lands, Tenements or Hereditaments respectively, for any Damage that may happen, or be occasioned, to such Mills, Wears, Lands, Tenements, or Hereditaments, for, or on account of the said intended Navigation, as the said Commissioners, or their Successors, or any Nine or more of them, shall, for that Purpose, order, adjudge, direct or appoint, according to the Tenor and true Meaning of this Act.

Commissioners enabled to purchase Lands, and incapacitated Persons to treat.

**And be it further Enacted,** by the Authority aforesaid, That the said Commissioners, or any Nine or more of them shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Nine or more of them shall judge necessary or proper to be cut, digged, altered, removed,

ed, or used for the Purposes of this Act: And it shall be lawful for all Bodies politic and corporate, Husbands, Guardians, Trustees, Committees, Executors or Administrators, for and on Behalf of their cestuique Trusts, whether Infants or Issue unborn, Lunatics, Ideots, or Females-Covert; and to and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in any such Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any part thereof, for any Term or Number of Years, at a certain yearly Rent; or otherwise to contract for, and to sell and convey the Inheritance in Fee simple of all or any such Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, unto the said Commissioners, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them shall nominate and appoint: And that all such Contracts, Agreements, Bargains, Sales, Leases and Conveyances, shall be good and valid in the Law to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right,  
B 4
Estate,



Estate, Interest, Use, Property, Claim and Demand whatsoever of their several and respective cestuique Trusts, whether Infants or Issue unborn, Lunatics, Ideots, Femmes-Covert, or other Person whatsoever, and all claiming or to claim, by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding: And that all Persons so demising, leasing, or conveying as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act: And the said Commissioners, or any Nine or more of them, may also adjust what Proportion of the annual Rent or Sum in gross so agreed to be paid, shall be allowed to any Tenant or other Person, having a particular Estate, Term, or Interest in any of the Premises: And that all such Leases, Sales and Conveyances so to be made as aforesaid, shall be enrolled by the Clerk of the Peace for the said West Riding; and true Copies of the same, signed by the Clerk of the Peace for the Time being, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever.

And

And it is hereby further Enact-  
 ed, That if any such Bodies politic or cor-  
 porate, or any Person or Persons what-  
 soever, shall, for the Space of thirty Days  
 next after Notice in Writing given to the  
 principal Officer or Officers of such Bo-  
 dies politic or corporate, or to such Per-  
 son or Persons respectively, or to the Te-  
 nant or Tenants in Possession of the Mes-  
 suages, Mills, Wears, Lands, Tenements  
 or Hereditaments intended to be cut,  
 digged, altered, removed, or used as  
 aforesaid, shall neglect or refuse to treat,  
 or shall not agree with the said Com-  
 missioners, or any Nine or more of them;  
 or by reason of Absence, shall be pre-  
 vented from treating, touching the Mat-  
 ters aforesaid, (except such Absence shall  
 be occasioned by his or their necessary  
 Attendance upon either House of Par-  
 liament): Then, and in every such Case,  
 the said Commissioners, or any Nine  
 or more of them, shall and may, and  
 they are hereby authorized and impow-  
 ered, from Time to Time, to issue out  
 their Warrant or Warrants under their  
 Hands and Seals, to be directed to the  
 Sheriff of the County of *York* for the  
 Time being; or in case such Sheriff  
 shall

Upon Refusal  
 to treat.

Commission-  
 ers to issue  
 Warrants to  
 the Sheriff of  
*Yorkshire*, or  
 to a Coroner  
 of the West-  
 Riding to im-  
 pannel and  
 return a Jury,

to appear before the Commissioners at the Time and Place appointed.

Sheriff or Coroner for every Default to forfeit.

shall happen to be interested in the Matter in Question, or any Ways related to any of the Parties interested or concerned therein ; then to one of the Coroners of the said County, commanding such Sheriff or Coroner respectively to impanel, summon and return a Jury ; and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at *Westminster* to appear before the said Commissioners, or any Nine or more of them, at such Time and Place, as by such Warrant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service ; upon Pain to forfeit for every Default in not making such Return Twenty Pounds, to be sued for and recovered in the Manner herein after directed : And also to return in Issues upon every Person so impanelled and returned not appearing, contrary



trary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied upon the Goods and Chattels of the Person not appearing as aforefaid, by Warrant or Warrants under the Hands and Seals of the faid Commissioners, or any Nine or more of them. And in case a sufficient Number of Jurymen shall not appear, the faid Sheriff or Coroner shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, being so qualified as aforefaid, to make up the faid Jury to the Number of Twelve. And all Parties concerned shall and may have their lawful Challenges against any of the faid Jurymen. And the faid Commissioners, or any Nine or more of them, are hereby impowered by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all and every such Person and Persons, as shall be thought proper or necessary to be examined as Witnesses, touching the Matters in Question; and the faid Commissioners, or any Nine or more of them, may order and authorize the faid Jury, or any Six or more of them,

Issues to be returned and levied upon Jurors not appearing.

Sheriff or Coroner to return a Tales de Circumstantibus.

Commissioners may summon Witnesses to appear before them,

and may order the Jury to view.

Jury to assess  
Damages,

and Commis-  
sioners give  
Judgment fi-  
nally.

them, to view the Place or Places, or Matters in Question ; which Jury, upon their Oaths, to be administered by the said Commissioners, or any Two or more of them, (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall enquire of, assess and ascertain such Damages and Recompence as they shall adjudge fit to be awarded to the Owners and Occupiers of, and Persons interested in, any such Mills, Wears, Lands, Tenements, or Hereditaments, or any Part thereof. And the said Commissioners, or any Nine or more of them, shall give Judgment for such Damages and Recompence so to be assessed by such Juries, which said Verdict, and the Judgment thereupon, declared or pronounced by the said Commissioners, or any Nine or more of them, and the Value and Recompence so assessed, (Notice in Writing being first given of their Meeting at least Fourteen Days before such Meeting to the Parties concerned, or left at their Dwelling-houses, or usual Places of Abode, or with the Tenant

or

or Occupier of the Premises, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Mills, Wears, Lands, Tenements or Hereditaments, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies politic and corporate, Infants, Ideots, Lunatics, Femmes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

**Provided always, and be it further Enacted,** That the said Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them (other than the administering the Oath following to one another, which they hereby

Commissioners Oath.



by respectively have Power to administer to one another) shall take the Oath following, *viz.* I *A. B.* shall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner appointed in pursuance of an Act, intituled, " An Act for extending the  
 " Navigation of the River *Calder*. to, or  
 " near to, *Sowerby* Bridge in the Parish  
 " of *Halifax*; and for making navigable  
 " the River *Hebble*, *Halig*, or *Halifax*  
 " Brook, from *Brooksmouth* to *Salter*  
 " *Hebble* Bridge, in the County of *York*." Which Oath the said Commissioners, or any Two or more of them, are hereby authorized and impowered to administer, at their first Meeting, or at any subsequent Meetings, in pursuance of this Act.

Witnesses not  
 appearing, or  
 refusing to be  
 sworn,

**Provided also, and be it Enacted,**  
 by the Authority aforesaid, That if any  
 Person or Persons summoned as aforesaid  
 to give Evidence, shall neglect or refuse  
 to appear at such Time or Times, Place  
 or Places as shall be appointed in the  
 War-

Warrant or Warrants granted by the said Commissioners, or any Nine or more of them, or appearing, shall refuse to be sworn or examined by, or give Evidence before the said Commissioners ; or if any Person summoned as a Jurymen as aforesaid, shall, after his Appearance, refuse to be sworn ; or being so sworn, refuse to give, or not give his Verdict ; or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, or any Nine or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be levied on the Goods and Chattels of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Nine or more of them, by Distress and Sale of the Offenders Goods, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale are deducted.

and Jurymen  
refusing to be  
sworn, or to  
give a Ver-  
dict,

to be fined by  
Commission-  
ers.

Pro-

Payment of  
Jury and  
Witnesses.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That in Case any Jury, to be summoned and sworn as aforesaid, shall give a Verdict for more Monies, as a Recompence or Satisfaction for any Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, than what shall have been offered by the said Commissioners, or any Nine or more of them, before the summoning or returning of such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury, and the Witnesses, shall be paid by the said Commissioners, or any Nine or more of them, out of the Monies to arise by Virtue of this Act: But if any such Jury shall give a Verdict for no more, or for less Monies than shall have been offered by the said Commissioners, or any Nine or more of them, before the summoning and returning such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury and the Witnesses shall be borne by the Person or Persons with whom the said  
Com-



Commissioners shall have such Controversy or Dispute; and such Expences having been ascertained and settled by two of his Majesty's Justices of the said West Riding, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged.

**And it is hereby further Enacted,** Commissioners Decrees to be filed with the Clerk of the Peace. That the said Verdicts and Judgments shall be set down in Writing, without any Stamps thereupon, under the Hands and Seals of the Commissioners acting in the Premises or any Five or more of them, and be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the West-Riding of the County of York, by the Clerk of the Peace for the Time being of the said Riding; and the same, or true Copies thereof, without Stamps, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law

or Equity whatsoever; and all Persons may have Recourse to the same gratis at all convenient Times, and may take Copies thereof, without Stamps, paying for every Copy not exceeding Two Hundred Words, the Sum of Six Pence, and so proportionably for any greater or lesser Number of Words.

Bodies politic  
and corporate,  
to have satisfac-  
tion for fu-  
ture Damages.

**And be it further Enacted,** by the Authority aforesaid, That if any Person or Persons, Bodies politic or corporate, at any Time after the said Commissioners, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution for making the said Rivers navigable, or shall have completed the same, shall happen to sustain any Damages or Injury in his, her, or their Lands, Grounds, Mills, Wears, Bridges, or Premises, for which they shall have had no Recompence or Satisfaction, by any Act, Neglect, or Default of the said Commissioners, or of their Agents, Workmen, or Servants; or by Reason of any Alteration which shall be made by them, or any or either of them on the said Rivers, Cuts, Canals, or Works, to be made by Virtue of this

this Act; then, and in every such Case, if the said Commissioners, or any Nine or more of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or any Nine or more of them, shall enquire of, and ascertain such Damages by a Jury to be impannelled and returned as aforesaid, and give Judgment for the Party or Parties aggrieved, and record the same accordingly in the very same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements, Hereditaments, Mills, Wears, and Premises, which shall be in any wise made use of, cut, or damnified, in making navigable the said Rivers, or either of them.

**And it is hereby further Enacted and Declared,** That upon Payment of the Sum or Sums so agreed on, contracted for, or assessed, and adjudged for Damages and Costs to the Parties concerned, or for the Purchase of any such Lands, Tenements, or Hereditaments, or legal Tender thereof made to them respectively; which Sum or Sums of Mo-

Satisfaction being made or tendered, &c. the Commissioners may enter and proceed in the Works.



ney the said Commissioners, or any Nine or more of them, are hereby authorized to pay out of any Monies to be raised by Virtue of this Act ; and in case any such Parties cannot be met with, or shall refuse to accept the same ; then, upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Nine or more of them shall under their Hands in Writing appoint, for the Use of the Parties interested as aforesaid, it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or use such or so much of the said Lands, Tenements, or Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed or decreed as aforesaid ; and thereon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, or for executing any of the Powers of this Act, as the said Commissioners, or any Nine or more of them, shall think requisite : And this Act shall be sufficient to indemnify as well the said Commissioners

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ners as all Persons employed or authorized by them against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever.

**Provided always, and be it further Enacted,** That no Person or Persons shall sit or act as a Commissioner or Commissioners in any Case where he or they respectively shall be in any wise directly or indirectly interested or concerned in the Matter or Matters in Question ; nor shall sit or act in any of the Cases before or herein aftermentioned, unless such Commissioner or Commissioners shall be respectively seised of, or intitled, at the Time of such Sitting or Acting, to an Estate of Freehold, Copyhold, or Leasehold of Lands, Tenements, or Hereditaments, in Possession for his own Life, or the Life of another Person, of the yearly Value of One Hundred Pounds, or be possessed of, or intitled to a personal Estate alone, or a real and personal Estate together, of the Value of Three Thousand Pounds. And

Qualification  
of Commis-  
sioners.

in

Penalty for  
acting if not  
qualified.

in case any Commissioner shall sit or act, being so interested, or not having such an Estate as aforesaid, every such Person so sitting and acting, shall forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, wherein no *Essoin*, Protection, or Wager of Law, or more than one *Imparlance* shall be allowed; and upon any such Suit or Prosecution, the Proof of such Qualification shall lie upon, and be made out by every Commissioner so to be sued or prosecuted.

On Death or  
Refusal of  
Commission-  
ers to act,  
others to be  
chosen.

And be it further Enacted, by the Authority aforesaid, That when any of the said Commissioners shall die or refuse to act, then, and so often as it shall so happen, any Three or more of the surviving or remaining Commissioners, may appoint a Meeting of Commissioners at the Town of *Halifax* aforesaid, for the Election of one or more new Commissioner or Commissioners, as the Case shall require, to supply the Place or Places of the Person  
or



or Persons so dying or refusing to act, and shall give Notice of the Time and Place of such Meeting or Meetings, by affixing Notices in Writing upon the Market Crosses in the Towns of *Halifax*, *Wakefield*, and *Rochdale*, and upon *Sowerby* Bridge, Ten Days before the Time of such Meeting; and in case there shall be Nine or more of the said Commissioners assembled together at the Time and Place to be appointed for such Meeting, they shall and may proceed to elect one or more new Commissioner or Commissioners in lieu of such of the said Commissioners as shall be dead or refuse to act; and the Person and Persons who shall be so chosen and appointed by the Majority of such Nine or more of the said Commissioners then present, by an Instrument in Writing, under their Hands, shall from thenceforth be and act as a Commissioner or Commissioners; and shall have the same Power and Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed by this Act.

And

The Tolls.

**And it is hereby further Enacted,** That it shall and may be lawful to and for the said Commissioners, or such Person or Persons as they, or any Nine or more of them by Writing under their Hands shall nominate and appoint, from time to time, and at all times hereafter, to ask, demand, recover and receive, any such Sum or Sums of Money, as shall be from time to time ascertained by the said Commissioners, or any Thirteen or more of them, not exceeding the several Rates and Duties herein after-mentioned ; that is to say, For every Ton of Stones, Slate, or Flags, navigated, carried or conveyed upon the said Rivers, Cuts, and Canals, or any of them, the Sum of One Shilling and One Penny Halfpenny, and so in Proportion for a greater or less Quantity than a Ton ; and for every Ton of Lime or Limestone navigated, carried or conveyed upon the said Rivers, Cuts, and Canals, or any of them, the like Sum of One Shilling and One Penny Halfpenny, and so in Proportion for a greater or less Quantity than a Ton ; and for every Ton of Coal navigated, carried or conveyed up  
the

the Stream or Current, the like Sum of One Shilling and One Penny Halfpenny, and so in Proportion for a greater or less Quantity than a Ton; and for every Ton of all other Goods, Merchandises and Commodities whatsoever, navigated, carried, or conveyed, either up or down the Stream or Current, the Sum of Eight Shillings, and so in Proportion for every greater or less Weight than a Ton; and for every Ton of Stone, Slate, Flags, Lime or Lime-stone, Coal, Goods, Wares, Merchandises and Commodities herein beforementioned and specified, which shall be navigated, carried or conveyed in or upon the said Rivers, Cuts, and Canals, or any of them, for any less Space or Distance than the whole, such Proportion of the said Tolls, Rates, and Duties, as shall be equal to such Distance, or as near the same as conveniently may be, to be settled by the said Commissioners, or any Nine or more of them.

And in case of Refusal, Neglect, or Denial of Payment, on demand, of the several Tolls, Rates and Duties abovementioned, or any Part thereof, the said Commissioners, or any Five or more of them

Commissioners Remedy  
for Rates and  
Duties.

in



in the Name of their Treasurer or Clerk, shall or may sue for the same by Action of Debt, or upon the Case, in any Court of Record; or it shall be lawful for the Collector or Collectors of such Tolls, Rates and Duties to stop, detain, or make Stay of any Goods or Vessels, for which the said Tolls, Rates and Duties ought to be paid, until he or they shall be satisfied and paid the same.

**Proviso.**

**Provided always, and it is hereby Enacted,** That no Tonnage, Tolls or Duties shall be due, paid, or demanded for Stones, Timber; or for Gravel, Sand, or other Materials to be used for making and repairing of any Mill or Mills within the Limits of the said intended Navigation; or for any Soaper's Waste, Dung, or any Sorts of Manure for Land, other than Lime or Lime-stones, any Thing herein contained to the contrary notwithstanding.

**Application  
of Tolls.**

**And be it further Enacted,** by the Authority aforesaid, That all such Tolls, Rates and Duties are hereby vested in the said Commissioners, and shall be applied in the first Place in discharging

charging the Expences incurred in, and in Relation to the obtaining of this Act, and afterwards for making, continuing, completing and maintaining the said Navigation, and carrying this Act, and the several Provisions, Powers, and Authorities therein contained, into effectual Execution.

**And be it further Enacted,** by the Authority aforesaid, that the said Commissioners, or any Nine or more of them, shall be and are hereby impowered by Writing under their Hands, from Time to Time, to appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the Tolls, Rates, or Duties hereby granted or authorized to be taken; and also a Treasurer or Treasurers, to receive all Monies arising by virtue of this Act (such Treasurers and Collectors giving Security, to the Satisfaction of the said Commissioners, or any Nine or more of them, for the due Execution of their respective Offices): And such Collector or Collectors, and all other Persons who shall receive any Money by virtue of this Act, shall, from Time to Time, pay over all the Monies

For Appointment of Officers, and obliging them to account.

so

so collected or received, into the Hands of the said Treasurer or Treasurers, at such Times and in such Manner as the said Commissioners, or any Nine or more of them shall direct and appoint : And the said Commissioners, or any Nine or more of them, may also appoint a Clerk or Clerks, and such other Officers as they shall think fit to employ in the Execution of this Act ; and may allow to such Treasurers, Collectors, Clerks, and other Officers, such Salaries or Recompence, out of the Monies to be raised by virtue of this Act, as they the said Commissioners, or any Nine or more of them shall think reasonable : And all such Officers shall be, from Time to Time, removeable at the Will and Pleasure of the said Commissioners, or any Nine or more of them : And that the said Commissioners, or any Nine or more of them, shall and may, from Time to Time, at such Time and Times as they shall think proper, summon before them, and if they think fit examine upon Oath (which Oath any one of the said Commissioners is hereby empowered to administer) all or any of the said Treasurers, Collectors, Clerks, and all other Officers and  
Per-



Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Monies to be raised by virtue of this Act: And every such Treasurer, Collector, Clerk, and other Officer and Person employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any Nine or more of them, a true, exact, and perfect Account in Writing, of all and every Sum and Sums of Money so by him respectively received or expended as aforesaid: And in case any or either of such Treasurers, Collectors, Clerks, or other Officers or Persons so employed or entrusted, shall be found in Arrear, or refuse to account, or to pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Commissioners, or any Nine or more of them, it shall be lawful for the said Commissioners, or any Nine or more of them, by Warrant or Warrants under their Hands and Seals, to levy, by Distress and Sale of the Goods and Chattels of the Person or Persons so found in Arrear, or refusing to account or to pay the Money due upon the Balance of such Account, such Sum or Sums of Money

as

as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account or Accounts; and for Want of sufficient Distress, it shall be lawful for such Commissioners, or any Nine or more of them, by like Warrant or Warrants under their Hands and Seals, to commit such Person or Persons to the common Gaol of the County, Division, or Place wherein such Offender or Offenders shall then be or reside, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands to the said Commissioners, or any Nine or more of them, or according to their Appointment; or shall have compounded for the same, and paid such Composition-Monies, which Composition the said Commissioners, or any Nine or more of them are hereby impowered to make; or such Commissioners, or any Nine or more of them, may, and are hereby impowered to bring, or cause to be brought, any Action or Actions in their own Names, or in the Name of any one or more of them, against any such

Officer or Person so refusing, neglecting, or making Default as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Person respectively.

**And be it further Enacted,** by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Nine or more of them, at any Meeting to be held in pursuance of this Act, from Time to Time, to assign over the Tolls, Rates and Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls, Rates or Duties) as a Security for any Sum or Sums of Money to be borrowed, with Interest not exceeding Five Pounds *per Centum per Annum*, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose. “ By  
 “ virtue of an Act made in the Thirty-  
 “ first Year of the Reign of his Majesty  
 “ King *George* the Second, for extending  
 “ the Navigation of the River *Calder* to,  
 “ or near to, *Sowerby* Bridge, and for  
 “ making

The borrow-  
ing Money.



“ making navigable the River *Hebble*  
 “ from *Brooksmouth* to *Salter Hebble*  
 “ Bridge in the County of *York*; We,  
 “ Nine of the Commissioners, do assign  
 “ unto *A. B.* his Executors, Administ-  
 “ tors, or Assigns, in Consideration of the  
 “ Sum of \_\_\_\_\_ from this  
 “ Day of \_\_\_\_\_ in the Year of  
 “ our Lord \_\_\_\_\_ until the said Sum of  
 “ \_\_\_\_\_ with Interest  
 “ at the Rate of \_\_\_\_\_ per  
 “ *Centum per Annum* shall be repaid,  
 “ such Proportion of all the Tolls, Rates  
 “ and Duties arising by virtue of the  
 “ said Act, as the said Sum of \_\_\_\_\_  
 “ \_\_\_\_\_ shall bear to the whole  
 “ Sum advanced on the Credit of the  
 “ same.” And all and every Person or  
 Persons to whom the said Commissioners,  
 or any Nine or more of them, shall at any  
 Time make such Assignment or Assign-  
 ments, shall be equally intitled to their  
 Proportion of the said Tolls, Rates and  
 Duties, according to the respective Sums  
 in such Assignment mentioned to be  
 advanced, to secure the Re-payment there-  
 of, with Interest as aforesaid, without  
 any Preference by Reason of Priority  
 of

of Assignment, or on any other Account whatsoever. And the Money so borrowed shall be applied, in the first Place, in discharging the Expences incurred in, and in Relation to the obtaining of this Act, and afterwards in such Manner as the Tolls, Rates and Duties are directed to be applied, and to no other Use or Purpose : And Entries or Memorials of every such Assignment or Assignments containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners ; which said Book or Books shall and may be perused at all seasonable Times, by all Persons whomsoever, without Fee or Reward : And all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may from Time to Time assign or transfer his, her or their Right, Title, Interest or Benefit to the Principal and Interest thereby secured, to any Person or Persons whatsoever, indorsing on the Back of such Security, before one credible Witness, the following

Application  
of Monies  
borrowed.

Assignments  
may be trans-  
ferred.

D

ing

ing Words, or Words to the like Effect :

“ I do transfer this Assignment, with all

“ my Right and Title to the Principal

“ hereby secured, and to all the Interest

“ now due to *C. D.* his Executors, Ad-

“ ministrators, or Assigns. Dated this

“ Day of

“ *A. B.*

“ Witness, *G. H.*” Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Commissioners, or any Nine or more of them, shall appoint, not exceeding the Sum of One Shilling; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her and their Executors, Administrators and Assigns to the Benefit thereof, and Payment thereon; and such Assignees may in like Manner assign again



again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

**And it is hereby further Declared and Enacted**, by the Authority aforesaid, That if any Boatman or Person, having the Care of, or passing with any Boat, Barge, Lighter, or other Vessel, through any Lock upon the said Rivers, or either of them, or any of the Cuts or Canals out of the same, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, Lighter, or Vessel, to pass through any such Lock, and shall not in coming down the said Rivers, Cuts, or Canals, or any of them, shut the lower Gates of such Lock, before he or they shall draw the Cloughs of the upper Gate thereof; and after he or they shall have brought his or their Boat, Lighter or Vessel into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; or in going up the said Rivers, Cuts, or Canals, or

Penalty for  
not shutting  
Lock Gates;  
&c.

any of them, shall not, as soon as he or they shall have passed with his or their Boat, Lighter, or Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, Lighter or Vessel within Four Hundred Yards of the said Lock, coming down the said Rivers, Cuts or Canals, or any of them; or if any Person or Persons shall open any Gate or Gates in the haling Ways for the passing of Men or Horses, haling any Boat, Barge, Lighter, or other Vessel, up or down the said Rivers or Cuts, and shall not shut such Gate or Gates after the said Men or Horses shall have passed through the same: Every Person offending in any of these Particulars, and being convicted thereof before any Justice of the Peace for the said Riding, upon Oath of any one or more Witnesses or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and, in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice, be sent to the House of Correction, there to be kept to hard Labour  
for

for such Time as such Justice of the Peace shall direct, not exceeding two Months; one Moiety of which Penalty shall be paid to the Informer or Informers.

**And be it further Enacted,** by the Authority aforesaid, That the Owner or Master of every Boat, Barge, Lighter, or Vessel, shall be, and is hereby made answerable for any Damage or Mischief that shall be done by such Boat, Barge, Lighter, or Vessel, or by any of the Crew, Boatmen, Lightermen, or Watermen, belonging to any such Boat, Lighter, Barge, or Vessel, to any of the Weirs, Locks, Dams, Bridges, or other Works, which shall be made or maintained by virtue of this Act; or for any Trespass done to the Owner or Occupier of any Lands, Grounds, or Tenements adjoining to the Rivers, Cuts or Canals, or any of them as aforesaid; or by drawing or leaving running any Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Barge, Lighter, or Vessel, shall have passed through the same, contrary to the Tenor, Purport, and true Meaning of this Act: And such Owner

Owners or  
Masters of  
Vessels an-  
swerable for  
the Crew, &c.



or Master of any such Boat, Barge, Lighter, or Vessel, shall and may be sued for the same, as if such Trespass or Damage had been done or committed by himself; and if such Owner, Master, or Person, having the Charge of, or belonging to any such Boat, Barge, Lighter, or Vessel, shall be found guilty, or Judgment shall be given against him upon Demurrer, or by Default, the Plaintiff or Plaintiffs shall not only recover his or their Damages thereby sustained, but also his, her, or their double Costs of Suit.

Owner's Name  
to be marked  
on the Vessel,  
and Penalty  
if not done.

**And be it further Enacted,** by the Authority aforesaid, That every Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall cause the Name of the Owner to be set in large white Capital Letters in some conspicuous Place on each of the Outsides of every such Boat, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when loaded; and if the Owner, Master, or Person having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall not at all Times have the Owner's Name put on the Outsides of his Boat,

Boat, Barge, Lighter, or other Vessel as aforesaid, every such Master, Owner, or Person, having the Charge thereof, shall, for every such Neglect or Default, forfeit and pay the Sum of Five Pounds.

**And be it further Enacted,** That Managers of Vessels obstructing the Passage of the Rivers, how punishable. if any Person having the Care and Management of any Boat, Barge, Lighter, or other Vessel, shall put or lay such Boat, Barge, Lighter, or Vessel, in any Part of the said Rivers, Cuts, or Canals, or any of them, so as to obstruct the Passage of any other Boat, Barge, Lighter, or Vessel, or hinder the opening or shutting of any of the said Locks, and shall not immediately, upon Request made, remove such Boat, Barge, Lighter, or other Vessel, he shall for every such Offence forfeit the Sum of Five Shillings for every Hour such Boat, Barge, Lighter, or Vessel shall continue to obstruct such Passage, or prevent the opening or shutting of any Lock as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause any such Boat, Barge, Lighter, or Vessel, to be unloaded, if necessary, and to be removed in such manner as shall be

proper for avoiding any Obstruction in the Navigation, and in the Use of such Locks, and to detain such Boat, Barge, Lighter, or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are discharged, paid, and satisfied.

Boats sunk to  
be weighed  
up by the  
Owners im-  
mediately ;

**And be it further enacted,** by the Authority aforesaid, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in the said Rivers, Cuts, or Canals, or any of them, and that the Owner or Person having the Charge, Command, or Rule thereof, do not without Loss of Time weigh or draw up the same again, and hale the same out of the Way of other Vessels passing and repassing upon the said intended Navigation, it shall and may be lawful to and for the Agents or Servants of the said Commissioners, to cause such Boat, Barge, Lighter, or other Vessel, to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences occasioned thereby ; and if Payment be not made in Twenty-one Days after such Boat, Barge, Lighter,



Lighter, or other Vessel be drawn up, then and in such Case it shall and may be lawful to and for such Agents or Servants to cause Sale to be made thereof for reimbursing the said Expences or other incident Charges, returning the Overplus (if any be) to the Owner or Master of the said Boat, Barge, Lighter, or Vessel.

**And be it further Enacted,** by the Authority aforesaid, That the said Agents or Servants shall and may, and they are hereby authorized and impowered to measure all and every, or any of the said Boats, Barges, Lighters or Vessels, by putting Weights into the same for that Purpose; and to set Figures or Marks at each End of every such Boat, Barge, Lighter or Vessel, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading which shall be put into such Boat, Barge, Lighter or Vessel, will sink the same into the Water, and from Time to Time may re-measure every such Boat, Barge, Lighter or Vessel, and to mark again such Boats, Barges, Lighters or Vessels as aforesaid: And if the Owner or Owners, Master

Power to  
measure  
Boats, &c.

or

Penalty upon  
Owners refus-  
ing to permit  
it.

or Masters, Person or Persons, having the Charge of any such Boat, Barge, Lighter or Vessel, shall refuse, hinder or obstruct, the weighing, measuring, or marking of any such Boat, Barge, Lighter or Vessel as aforesaid, every Person so refusing, hindering or obstructing, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds: And if any such Owner or Owners, Master or Masters, Person or Persons, shall alter, deface, remove, erase or destroy any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed, every such Owner or Owners, Master or Masters, or Person or Persons, so offending, shall forfeit and pay, for every such Offence, the Sum of Five Pounds.

Persons da-  
maging the  
Works to be  
adjudged  
guilty of Fe-  
lony.

**And** for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, **Be it enacted**, by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works  
to

to be erected or made for the Purpose  
aforesaid, whereby the Water shall be so  
much spent and wasted as thereby to  
hinder or prevent the said intended Na-  
vigation, or do any other wilful Hurt or  
Mischief to obstruct, hinder or prevent  
the carrying on, completing, support-  
ing and maintaining the said intended  
Navigation; such Person or Persons shall  
be adjudged guilty of Felony, and  
every such Felon shall be subject and lia-  
ble to the like Pains and Penalties as in  
Cases of Felony; and the Courts by and  
before whom such Person or Persons  
shall be tried, shall and hereby have  
Power and Authority to transport every  
such Felon for the Space of Seven Years,  
in like Manner as other Felons are di-  
rected to be transported by the Laws  
and Statutes of this Realm.

**And be it further Enacted,** by the Authority aforesaid, That if any Person or Persons shall maliciously or wantonly open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or shall suffer any Boat, Barge, Lighter or Vessel, to be moored unto, or to lye under any of the Bridges

Penalty upon Persons maliciously or wantonly drawing of Cloughs, &c.



ges in the said Rivers, Cuts, and Canals, or any of them ; or shall leave any of the Cloughs running, after any Boat, Barge, Lighter or Vessel shall have passed any Lock belonging to the said intended Navigation ; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs, in the Lock-Gates on the said Rivers, Cuts and Canals, or any of them, so as to mispend or waste the Water of the said Rivers, Cuts or Canals, or any of them, to the Prejudice of the said intended Navigation ; every such Person or Persons offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the said Riding, by the Oath of One or more Witness or Witnesses, shall forfeit and pay the Sum of Forty Shillings ; and, in Default of Payment thereof, the Person or Persons so offending shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding Two Months.

And

**And be it further Enacted,** by the Authority aforesaid, That if any Owner, Occupier or Miller of any Mill or Mills, do, or shall, upon reasonable Request made, and Twenty-four Hours Notice given, and upon Payment or Tender of such Recompence or Satisfaction as is herein after mentioned to him or them, made by the said Commissioners, or any Three or more of them, or any other Person or Persons employed as their Surveyor or Agent, neglect or refuse either to draw up, or open, or to shut, or put down, any Clough or Cloughs of any Sluice or Sluices, which shall be necessary to be opened or shut respectively for making and effecting the said intended Navigation, and the Works requisite for that Purpose, and for altering and repairing the same, every Person so offending, and being thereof lawfully convicted, as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Penalty upon Millers not shutting down or drawing up Cloughs, for the Purpose of making the Navigation and repairing the Works.

**And it is hereby also Enacted and Declared,** That the Owners or Occupiers of any such Mill or Mills, shall

A Satisfaction therefore.

shall and may in such Case lawfully demand, have and receive, and there shall become due and payable to him or them, as a Recompence and Compensation for such drawing up, or opening, or putting down, or shutting such Clough or Cloughs respectively, the Sum of One Shilling and Three Pence for every Hour that any Wheel of any such Mill shall, by that Means, or on that Occasion only, be stopped or hindered from working; and so in Proportion for any greater or lesser Time that such Stoppage or Hindrance shall continue.

Persons obstructing the Navigation without Cause to be fined by the Commissioners.

**And it is hereby further Enacted and Declared,** That if any Owner, Occupier, or Miller, of any Mill or Mills within the Limits of the said intended Navigation, or other Person employed by him, her, or them, shall, in the Judgment and Opinion of any Nine or more of the Commissioners, wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by Means whereof the said intended Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause  
to



to be allowed by the said Commissioners, or any Nine or more of them so assembled, for so doing, every such Owner, Occupier, or Miller, or other Person whatever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money as the said Commissioners shall order, decree, or award, not exceeding the Sum of Forty Shillings for each Offence.

**And it is hereby further Enacted,** That if any Owner, or Occupier, or Miller, of any Mill within the Limits of the said intended Navigation, shall stop or stang, or cause to be stopped or stanged, any Wheel or Wheels of any such Mill, so as to let the Water pass or run waste through the Sluices or Flood-gates of such Mill or Mills, while the Wheel is not working, and thereby obstruct or prevent the Passage of Boats, Barges, Lighters, or other Vessels, up or down the said Rivers, Cuts and Canals, or any of them, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Penalty for  
stanging of  
Wheels.

**Provided always,** That if at any Time there shall not be a sufficient Head  
or

Proviso.

or Quantity of Water at *Dewsbury* lower Mill for the necessary working the same; then, and in such Case, and from Time to Time, as it shall so happen, it shall and may be lawful to and for the Owner, Occupier, or Miller of *Dewsbury* upper Mill, to stang or stop the Water Wheel or Wheels of such Mill, and let the Water pass and run through the Sluices and Flood-gates thereof, for the Purpose only of supplying the said lower Mill with Water for working the same, any Thing herein contained to the contrary notwithstanding.

Masters of  
Vessels to give  
an Account  
of their Load-  
ings.

**And** for the more easy collecting the Rates and Duties hereby made payable, **Be it further Enacted**, by the Authority aforesaid, That every Master or other Person having the Command of any Boat, Barge, Lighter, or other Vessel passing on the said Rivers, Cuts, or Canals, intended to be made navigable as aforesaid, shall make and give a just, true, and perfect Report or Account in Writing signed by himself, unto such Person or Persons as shall from Time to Time be nominated and appointed by the said Commissioners, or any Five or more

more of them for that Purpose; or to collect such Rates and Duties as aforesaid, and at such Place or Places as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors for that Purpose, of the Quantity, Quality and Weight of the Goods, Wares, Merchandize, and other Commodities and Things which shall be in or belong to such Boat, Barge, Lighter, or other Vessel; and also of the Quantity, Quality or Weight of such Goods as shall have been discharged or taken out of such Boat, Barge, Lighter, or other Vessel, within the Limits of the said intended Navigation, before their Arrival at the Place where such Account or Report is to be made and given; and in Failure of making or giving such Account or Report, or case of his or their making or giving a false Account or Report, every such Master or other Person, having the Command of such Boat, Barge, Lighter, or other Vessel, shall forfeit the Sum of Five Pounds for every such Offence.

And be it also further Enacted,  
by the Authority aforesaid, That if any  
E Dispute



Power to Col-  
lectors to  
weigh, mea-  
sure, or gauge  
Goods in Dis-  
pute.

Dispute or Difference shall arise be-  
tween the Collectors of the Rates and  
Duties made payable by this Act, and  
the Owner, Master or Person having  
Charge of any Boat, Barge, Lighter, or  
other Vessel, or the Owner of any  
Goods, Wares and Merchandizes, or  
other Things chargeable with, or lia-  
ble to, the Payment of any of the said  
Rates and Duties, concerning the  
Weight and Quantity of the same, it  
shall and may be lawful to and for such  
Collector to stop and detain any such  
Boat, Barge, Lighter, or other Vessel,  
and to weigh, measure or gauge, or  
cause to be weighed, measured or gaug-  
ed, all such Goods, Wares, and Mer-  
chandizes, or other Things, as shall be  
in any Vessel or Vessels, where and when  
any Dispute shall arise; and in case such  
Goods, Wares and Merchandizes, or  
other Things shall, upon such weighing,  
measuring or gauging, appear to be as  
much in Weight or Quantity as, or of  
greater Weight or Quantity than such  
Collector did insist and affirm the same  
to be before the weighing, measuring  
or gauging thereof, so as to make the  
same chargeable with, or liable to the  
Pay-

Payment of as much Money as, or more Money than was demanded by the Collector before the weighing, measuring or gauging of such Goods, Wares and Merchandizes, or other Things; then, and in such Case, the Master or Owner of such Boat, Barge, Lighter, or other Vessel, or the Owners of such Goods, Wares and Merchandizes so weighed, measured or gauged, shall pay the Costs and Charges of such weighing, measuring and gauging thereof: All which said Costs and Charges, upon Refusal of Payment thereof, on Demand, shall and may be recovered, as the Rates and Duties made payable in and by this present Act are appointed to be recovered. **But** in case such Goods, Wares and Merchandizes, or other Things, shall, upon such weighing, measuring or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring or gauging thereof; then, and in such Case, such Collector shall pay the Costs and Charges of such weighing, measuring and gauging; and shall also pay to the Master, Owner, or Person having the Charge of such Boat, Barge,

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Lighter,

Lighter, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat, Barge, Lighter, or other Vessel shall be detained, by occasion of such weighing, measuring or gauging; and so in proportion for any greater or less Time than an Hour: And in default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said West-Riding, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any be.

Navigation  
not subject to  
the Commis-  
sioners for  
Sewers.

**And be it further Enacted**, by the Authority aforesaid, That the said Rivers, Cuts and Canals, shall not be under the Survey or Order of any Commissioners of Sewers, nor subject to a Commission of Sewers, or any Law or Statute made for Sewers, any Law or Statute to the contrary in any wise notwithstanding.

**Pro-**



**Provided always, and be it Enacted,** by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at any public Meeting, Ten Days Notice at the least of such Meeting having been affixed to the Market Crosses of *Wakefield, Halifax, and Rochdale*, shall and may cause to be made, set up, and from Time to Time maintained and kept in Repair, convenient Gates, Bridges, Passages and Stiles, in and over all the Ditches and Fences in the towing Paths, haling Paths and Ways to be set out for the Purposes of this Act, where the same shall respectively be wanting: And also sufficient Bridges, with proper Battlements, or Posts and Rails on each Side, over the new Cuts, Trenches, and Passages for Water, where necessary for the Use of the Occupiers of the Lands, Tenements and Hereditaments thereunto adjoining, to make them convenient Passages to come to and from their Lands, for the Use and Occupation of the same: And also that if the said Commissioners, or any Nine or more of them shall find it necessary to deepen

Commissio-  
 ners to make  
 Bridges,  
 Gates and  
 Stiles, &c.  
 where need-  
 ful; and  
 Bridges over  
 the River at  
 Fords.

E 3

the

the said River *Calder* in any Part or Parts where there now are common or usual Fords or Highways through the same, so as such Fords or Highways shall thereby be rendered impassable or dangerous; then and in such Case the said Commissioners, or any Nine or more of them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniences as the said Commissioners, or any Nine or more of them, shall judge proper, where such Fords or Highways now are, or as near thereto as conveniently may be, and shall from Time to Time maintain and keep the said Bridges or Conveniences in Repair, for the Convenience of all Persons having Occasion to pass over the same.

Navigation to  
be exempted  
from Taxes.

**And be it also further Enacted and Declared,** That the said Tolls, Rates and Duties shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessments or Impositions whatsoever, any Law or Statute to the contrary notwithstanding.

**Pro-**

**Provided always, and be it further Enacted,** by the Authority aforesaid, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Rubbish or Dirt into any Part of the said Rivers hereby intended to be made navigable, or either of them, or any Cuts made for, or into, or to communicate with the same, every Person so offending, and being convicted thereof before any Justice of the Peace for the said Riding, upon the Oath of one or more Witness or Witnesses, shall, by Warrant from the said Justice, be sent to the House of Correction, there to be kept to hard Labour, for such Time as such Justice of Peace shall direct, not exceeding one Month.

Persons throwing Ballast, &c. into the Navigation, how punished.

**And be it further Enacted,** by the Authority aforesaid, That all and every Person and Persons, who in any Examination directed to be taken by this Act shall give false Evidence before the Commissioners appointed, or to be appointed by virtue of this Act, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same;

Persons giving false Evidence, how punished.

and



and such Person or Persons as shall be convicted thereof, shall be subject and liable to the same Punishments and Disqualifications, which any Person or Persons can or may be subject or liable to for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

Commissioners to raise Banks in Proportion to the Height of the Dams.

**And be it further Statuted,** by the Authority aforesaid, That if the said Commissioners, or any Person or Persons authorized or employed by them, or any Nine or more of them shall, by making or raising any Wear or Dam, or otherwise, raise the Water of the said Rivers, or either of them, by this Act to be made navigable, above the ancient or usual Height of such Water, whereby the adjacent Lands and Grounds may be more liable to be overflowed or damaged than they have anciently or usually been; then the said Commissioners, or any Nine or more of them, shall, and are hereby required to cause the Banks thereof to be proportionably raised and strengthened, so that the new Banks shall be able and sufficient to contain the Water at such their raised Height, as the old Banks were to  
con-

contain the Water at their ancient and usual Heighth; and also shall, from Time to Time, maintain and repair the said Banks so to be raised in pursuance of this Act, as often as occasion shall require.

**And it is hereby further Declared and Enacted,** by the Authority aforesaid, That no Coals shall be loaden or put on board any Boat, Barge, Lighter, or other Vessel, to be carried or conveyed by Water down the Current or Course of the said Rivers, Cuts or Canals, towards *Wakefield*, save only for necessary Fuel or Firing for the use of the Boats, Barges, Lighters, and other Vessels navigating on the said Rivers, Cuts or Canals, under the Penalty of Fifty Pounds, one Moiety thereof to the King's Majesty, and the other Moiety to such Person or Persons as shall sue for the same.

Penalty on carrying Coals down the Stream.

**And it is hereby further Enacted,** by the Authority aforesaid, That when and as the said Rivers, Cuts and Canals herein beforementioned shall be made navigable, then and from thenceforth the same Rivers, Cuts and Canals, shall be a free

The Navigation to be free to all Persons.

a free Navigation, and that all the King's liege People whatsoever shall and may have, and lawfully enjoy, free Passage along, in, through, or upon the said Rivers, Cuts and Canals, with and for Barges, Boats, Lighters, and other Vessels, not exceeding the Burthen of Twenty-four Tons; and also the Use of the towing or haling Paths, and all other necessary and convenient Liberties for navigating the same, without any Let, Hindrance, or Obstruction from any Person or Persons whatsoever; subject nevertheless to such Rates and Duties, as by the Tenor and true Meaning of this Act, are or ought to be paid to the said Commissioners, or such Person or Persons as they, or any Nine or more of them, shall appoint to collect the same.

Penalty for  
demanding  
unwarranted  
Rates and  
Duties.

**And it is hereby further Declared and Enacted**, by the Authority aforesaid, That if any Collector, or Receiver of the Rates and Duties granted, or made payable by this Act, shall at any Time or Times directly or indirectly ask, demand, or receive for Lock Duties, of or for any Goods, Wares, Merchandizes, or any other Things, any Sum or Sums  
of



of Money whatsoever over and above the Rates and Duties herein beforementioned, or that shall be ascertained by the said Commissioners, or any Nine or more of them, to be received, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds to be recovered by the Party aggrieved, or any other Person or Persons that will inform or sue for the same.

**And be it further Enacted**, by the First Meeting of the Commissioners. Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall meet on the Twenty-eighth Day after the Day of the passing of this Act, at the House, known by the Sign of the *Talbot*, now in the Possession of *John Melling*, in the said Town of *Halifax*, and shall then proceed to the Execution of this Act, and the said Commissioners, or any Nine or more of them, shall hold one general Meeting on the *Thursday* next before *Midsummer Day*, in each Year, in the said Town of *Halifax*; and the Commissioners, or any Nine or more of them, assembled at such first Meeting, Method of adjourning. and at every General Meeting, may then, and from Time to Time afterwards,

wards, at any intermediate Times of the Year, adjourn and hold their Meetings at such Place or Places as shall be most convenient for putting in Execution the Authorities of this Act; and if at any Time a sufficient Number of Commissioners shall not attend, to adjourn, then and in every such Case, and from Time to Time afterwards, as often as such Case shall so happen, the Meeting appointed to be there held, shall be deemed adjourned till that Day Three Weeks, and be there held at the same Place where such Meeting was appointed to be held; but the Clerk or Treasurer to the said Commissioners shall cause Notice in Writing of all Meetings to be affixed upon the Market Crosses in *Halifax, Wakefield, and Rochdale*, Ten Days at the least before every such Meeting is held; and at all their Meetings the Commissioners shall bear and defray their own Expences.

For making  
Bye-Laws,  
and appoint-  
ing Commit-  
tees.

**And be it further Enacted,** by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at any of their Meetings, of which Meetings Ten Days Notice in Writing shall be affixed upon the Market Crosses  
in

in the Towns of *Wakefield*, *Halifax*, and *Rochdale*, shall from Time to Time have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make such Bye-Laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well-governing of the Watermen and Boatmen who shall convey Goods on any Part thereof, and to appoint Committees to inspect and settle the Accounts, direct the Works, and control the Officers and Servants employed in pursuance of this Act; and in such Bye-Laws, Orders, and Constitutions, may impose upon all Persons offending against the same, such Fines and Forfeitures as the said Commissioners, or any Nine or more of them, shall think proper, so as no such Fine or Forfeiture shall exceed the Sum of Five Pounds on any one Person for any one Offence; which Bye-Laws, Orders, and Constitutions, shall be binding to and observed by all Parties, and shall be sufficient to justify all Persons who shall act in pursuance thereof; and such Fines and Forfeitures shall be recovered in such Manner as the Penalties and



and Forfeitures are herein after directed to be recovered.

This Act not to authorize any Obstruction to a Navigation up the River *Coln* to *Huddersfield*.

**Provided** always, and it is hereby Declared and Enacted, by the Authority aforesaid, That nothing in this Act contained shall extend to authorize the said Commissioners, by any manner of Work whatsoever, to be made in pursuance of this Act, to hinder, obstruct or prejudice any Navigation, which hereafter may be thought proper to be made from the Mouth of the River *Coln* to the Town of *Huddersfield* in the said Riding; any Thing herein contained to the contrary notwithstanding.

Possessor of the *Pigbill* to have the Soil of the Reservoir.

**And whereas** certain Meadows, Lands, or Grounds of *William Gream*, Esquire, called *Pigbill*, *Lady Pigbill*, or *Pye Pigbill*, in the Parish of *Halifax* aforesaid, which have always of Right been watered and flooded from Time to Time, and as often as it hath been necessary, by the Water of the River *Hebble*, *Halig* or *Halifax* Brook, will, by means of making navigable the said River to *Salter Hebble* Bridge aforesaid, be

be deprived of the Benefit of such Watering and Flooding, to their great Prejudice and Detriment; for making some Satisfaction for which, **Be it further Enacted and Declared**, by the Authority aforesaid, That from and after the said Navigation shall be completed to *Salter Hebble* Bridge aforesaid, the said *William Gream*, or such other Person or Persons as shall from Time to Time be in Possession of the Grounds aforesaid, shall be intitled to, and shall have the sole Property in all such Mud, Manure, or Soil, as may from Time to Time lodge in the Reservoir to be made at the Head of the said Navigation; and that it shall and may be lawful to and for him or them, to take and carry away the same; and that he or they shall from Time to Time, at his and their own Costs and Charges, cleanse the said Reservoir in such Manner, and at such Times, as the said Commissioners, or any Nine or more of them, shall by Writing under their Hands direct and appoint.

**And**

Navigation to  
be continued  
to *Salter Hebble*  
and *Sowerby*  
Bridges.

And it is hereby further Enacted and Declared, That the said River *Calder* shall be made navigable to or within Five Hundred Yards of *Sowerby* Bridge aforesaid; and the River *Hebble*, *Halig* or *Halifax* Brook, shall be made navigable to *Salter Hebble* Bridge aforesaid, within three Years after the said River *Calder* shall be made navigable to *Brooksmouth* or the River *Hebble*.

Recovery and  
Disposal of  
Penalties not  
before provided  
for, &c.

And it is hereby further Enacted and Declared, That all the pecuniary Penalties and Forfeitures, inflicted and made payable by this Act, except in such Cases wherein it is hereby otherwise ordered, directed, and provided, shall, in all Cases where such Penalties or Forfeitures do not exceed the Sum of Five Pounds, be recovered by Distress and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals of any Justice or Justices of the Peace for the said West Riding of the County of *York*; and in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to com-



commit such Offender or Offenders to the common Gaol, or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Three Months; and all such Penalties and Forfeitures, or such Parts thereof as are not herein before directed to be applied, shall be paid into the Hands of the Treasurer to the said Commissioners, to be applied for the Purposes of this Act; and that all such Penalties or Forfeitures as exceed the Sum of Five Pounds, shall and may be recovered, with double Costs of Suit, by any Person or Persons who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

**Provided always, and be it** Appeal.  
**further Enacted,** That all Persons who shall think themselves aggrieved by the Order or Judgment of any Justice or Justices of the Peace, upon account of any Offence committed, or supposed to be committed against this Act, may appeal to the Justices of the Peace for the said West  
F
Riding,

Riding, at their next General or Quarter Session, the Person or Persons so appealing giving Security to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General or Quarter Session, in case such Order or Judgment shall be affirmed: And the Justices, in the said General or Quarter Session, are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removable by any Writ of *Certiorari*, or otherwise, into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings  
not to be va-  
cated for want  
of Form.

**Provided nevertheless, and be it further Enacted,** That no Order, or other Proceedings to be made or had by or before any Justice of the Peace, in relation to the Premises, shall be quashed or vacated for want of Form only.

Accounts to  
be kept in  
Books, and  
Entries to be  
read as Evi-  
dence.

**And be it further Enacted,** by the Authority aforesaid, That Accounts  
of

of all Monies which shall be received, raised and borrowed by virtue of this Act, and of the Expenditure of such Monies respectively, and also of all Debts, Contracts, Orders and Proceedings of the said Commissioners, or any of them, in Execution of, or relating to this Act, shall be from Time to Time regularly and fairly entered in Books to be kept for that Purpose; and such Entries, being signed by any Five or more of the Commissioners, or the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

**Provided also, and be it further** Exemption from Stamps.  
**Enacted,** by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching any Power or Authority hereby vested in such Trustees or Justices of



the Peace, or any of them, shall be charged or chargeable with any Stamp-Duty whatsoever.

Commissioners, in Commission of Peace, may act as Justices.

**And be it further enacted,** by the Authority aforesaid, That each of the said Commissioners, who shall be in the Commission of the Peace for the County of *York*, or the said West Riding, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

A Reservation of Rights to Land-Owners, Lord of Manors, &c.

**Provided always, and it is hereby declared and enacted,** That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said River, and navigable Passages, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Commissioners, their Successors, or any of them, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Coals, Stone, Slate, Wood, or any other Goods, Wares or Merchandizes charged or chargeable with any of the Duties by this Act granted

granted and made payable ; and that the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said River, and navigable Passages, to which they are now legally intitled, any Thing herein contained to the contrary notwithstanding. So that the Exercise of such Rights and Royalties shall not interfere with, or interrupt the Execution of this Act, or the free Use of the said intended Navigation.

**Provided always, and be it Enacted,** by the Authority aforesaid, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River, or of any Lands or Grounds through which the said Cuts shall be made, from making or erecting any Warehouses, Weigh-Beams, Cranes, Quays, Landing-Places, or Wharfs, upon the Banks of the said River or Cuts in and upon their own Lands, Wastes, or Grounds, so that the erecting or using of such Warehouses, Cranes, or Wharfs, do not obstruct or pre-  
judice

Lords of Ma-  
nors may  
build Ware-  
houses.

judice the said Navigation, or any of the Powers given by this Act: And all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the same Warehouses, Weigh-Beams, Cranes, Quays, Landing-Places, and Wharfs respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Wastes, and Grounds respectively, who shall make or erect any such Warehouses, Weigh-Beams, Cranes, Quays, Landing-Places or Wharfs, upon his, her, or their Lands, Wastes, or Grounds, lying upon the said River or Cuts.

Warrants, by  
whom to be  
executed.

**And be it further Enacted**, by the Authority aforesaid, That all and every Warrant and Warrants that shall or may be granted by any Person or Persons, enabled or empowered to grant the same, under or by virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer of the Township, Parish, or Place where the Offender or Offenders shall live, reside, or inhabit; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

**And**



**And be it further Enacted,** by the Limitations of Actions.  
 Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing to be done in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be brought and commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Suit shall be so brought or commenced, and not afterwards, and shall be brought, laid, and tried in the County wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in all such Actions and Suits may plead the general Issue, and give this General Issue. Act, and the special Matter in Evidence at any Trial or Trials, which shall be had thereupon, and that the Matter or Thing was done in pursuance of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County; then, and in either or any of such Cases, the Jury or Juries shall find for the Defendant or Defendants; and if a Verdict or Verdicts shall be found

found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance after the Defendant or Defendants shall have appeared, or if upon any Demurrer or Demurrers Judgment shall be given for the Defendant or Defendants, then, and in either or any of the Cases aforesaid, such Defendant or Defendants shall have treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law : And this Act shall be adjudged and taken to be a public Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Public Act.



